

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

FLEETCOR TECHNOLOGIES, INC., *and*
RONALD CLARKE,

Defendants.

Case No. 1:19-cv-5727-AT

**DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS
IN SUPPORT OF CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, Defendants FleetCor Technologies, Inc., and Ronald Clarke submit the following Statement of Material Facts in support of their Cross-Motion for Summary Judgment:

1. The FTC is no longer seeking monetary equitable relief under Section 13(b) of the Federal Trade Commission Act. *See* Dkt. 157.
2. The FTC is not challenging any of FleetCor's current business practices. FTC 3-23-21 30(b)(6) Dep. (Ex. 282) at 537:10–539:9.
3. FleetCor no longer uses a variable fee structure, but rather its new products charge a set card fee. Izquierdo Dep. (Ex. 285) at 69:4–6 (“Our current offers charge an explicit card fee. That is -- that’s how we price the

packages on a card fee basis.”); *id.* at 69:17–18 (“The card fee was intended to allow a way to price all of the featured benefits that were being provided at the various package tier levels.”).

4. FleetCor does not use free trial option programs for new customers any more. Chen Decl. (Ex. 272) ¶ 12.

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Respectfully submitted,

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LOCAL RULE 5.1 CERTIFICATION

Pursuant to LR 7.1(D), I hereby certify that the foregoing was prepared with 13-point Century Schoolbook font in accordance with LR 5.1(C).

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